

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

SCHEDULING ORDER FORM

1. **Introduction:** Pursuant to Fed. R. Civ. P. 16(b), a scheduling conference was held in this case on_____.
2. **Jurisdiction:** In this case, the subject matter jurisdiction of the Court has been invoked pursuant to __U.S.C. § ____, and **is -- is not** in dispute.
3. **Consent to a Magistrate Judge:** The parties **do -- do not** consent that all proceedings in this case may be conducted by a United States Magistrate Judge in accordance with 28 U.S.C. § 636(c).
4. **Settlement/Alternative Dispute Resolution:** The parties will discuss the possibility of utilizing the Federal Court Mediation Program. They will notify the Court on or before _____ as to whether they think the Federal Court Mediation Program can aid in resolving this case. Letters should be sent to the attention of U.S. District Court Clerk's Office, Division Manager, 900 Georgia Avenue, Room 309, Chattanooga, Tennessee 37402.
5. **Disclosure and Discovery:**
 - (a) **Rule 26(f) Meeting:** The parties have held a discovery planning meeting as required by Rule 26(f).
 - (b) **Discovery Plan:** The parties have filed with the Court a discovery plan in accordance with Rule 26(f).
 - (c) **Initial Disclosures:** The parties shall make all disclosures required by Rule 26(a)(1) on or before _____.
 - (d) **Expert Testimony:** Disclosure of any expert testimony in accordance with Rules 26(a)(2)(B) and 26(a)(2)(C) of the Federal Rules of Civil Procedure shall be made by the parties on or before _____. Disclosure of rebuttal expert testimony shall be made by the parties on or before _____.
 - (e) **Final Witness List:** On or before _____, the parties shall provide to all other parties a final witness list in accordance with Rule 26(a)(3)(A)(i). Within five (5) days after service of this final witness list, the list may be supplemented. After that time the list may be supplemented with leave of the court and for good cause.
 - (f) **All Discovery:** All discovery, including the taking of depositions "for evidence,"

depositions of experts and requests for admissions, shall be completed by _____.

- (g) **Pretrial Disclosures**: On or before _____, the parties shall make the pretrial disclosures specified in Rule 26(a)(3)(A)(ii) and (iii). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.

6. **Other Scheduling Matters**:

- (a) **Amendment of Pleadings**: If any party wishes to amend the pleadings, such motion should be filed on or before _____.
- (b) **Dispositive Motions**: All dispositive motions under Rule 12 and all motions for summary judgment pursuant to Rule 56 shall be filed as soon as possible, but no later than _____. The failure to timely file such motions will be grounds to summarily deny them. The parties must comply with § V.E. of the Court's preferences concerning joint appendices relating to motions for summary judgment.
- (c) **Daubert Motions**: All motions to exclude expert testimony pursuant to Fed. R. Evid. 702 should be filed as soon as possible but no later than _____.
- (d) **Motions in Limine**: Any motions in limine must be filed no later than _____. The Court will not entertain a motion to exclude expert testimony styled as a motion in limine. Any motions to exclude expert testimony pursuant to Fed. R. Evid. 702 must be filed on or before the *Daubert* motion deadline set forth in § 6(d).
- (e) **Special Requests to Instruct for Jury Trial**: Pursuant to Local Rule 51.1, requests for jury instructions shall be submitted to the Court no later than _____, and shall be supported by citations of authority pursuant to Local Rule 7.4. A copy of the prepared jury instructions should be sent to mcdonough_chambers@tned.uscourts.gov.

7. **Final Pretrial Conference**: A final pretrial conference will be held in chambers on _____, at the U. S. Courthouse, 900 Georgia Avenue, Room 104, Chattanooga, Tennessee. The parties shall prepare and submit a final pretrial order to the Court on or before the date of the final pretrial conference. A sample copy of the final pretrial order is located on the district court's web page at www.tned.uscourts.gov. The parties should file trial briefs on anticipated evidentiary and legal issues at least three business days before the Final Pretrial Conference.
8. **Trial**: The trial of this case will be held in Chattanooga before the United States District Judge **and a jury** beginning on _____. If this case is not heard immediately, it

will be held in line until the following day or anytime during the week of the scheduled trial date. **SHOULD THE SCHEDULED TRIAL DATE CHANGE FOR ANY REASON, THE OTHER DATES CONTAINED IN THIS ORDER SHALL REMAIN AS SCHEDULED. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD NOTIFY THE COURT AND SEEK AN ORDER CHANGING THOSE DATES.**¹

SO ORDERED.

ENTER:

¹ The demands of the Court's docket dictate that all trials, including all pretrial hearings, in civil cases be conducted in Chattanooga, Tennessee. The Court will, however, entertain motions to conduct trial in another division of this Court upon a showing of good cause by the parties. Any such motions must be filed **after the dispositive motions deadline but no later than four weeks before the final pretrial conference**, and the grant or denial of the same rests in the Court's discretion.